

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MICHAEL ROY LEE,

Plaintiff,

v.

CV No. 20-1048 RB/CG

FARMINGTON MAGISTRATE COURT, et al.,

Defendants.

ORDER TO CURE DEFICIENCIES

This matter comes before the Court *sua sponte* in connection with Plaintiff's handwritten complaint pursuant to 42 U.S.C. § 1983, (Doc. 1). The filing is deficient because Plaintiff failed to prepay the \$400 filing fee, or alternatively, file an Application to Proceed in District Court Without Prepaying Fees or Costs along with a six-month account statement. See 28 U.S.C. § 1915(a)(2). The docket also reflects a recent mailing to Plaintiff was returned as undeliverable with the notation "Released," and he did not provide a forwarding address as required by D.N.M. LR-Civ. 83.6. The Court will require Plaintiff to notify the Clerk of his new address or show cause why this action should not be dismissed without prejudice. See *Bradenburg v. Beaman*, 632 F.2d 120, 122 (10th Cir. 1980) ("It is incumbent on litigants, even those proceeding *pro se*, to follow the federal rules of procedure . . . The same is true of simple, nonburdensome local rules.") (citations omitted). Failure to timely comply will result in dismissal of the action. Additionally, all filings must include the case number (20-cv-1048 RB-CG).

IT IS ORDERED that Plaintiff must prepay the \$400 filing fee, or alternatively, file an Application to Proceed in District Court Without Prepaying Fees or Costs along with an inmate account statement reflecting transactions between April 9, 2020, and October

9, 2020, by no later than **November 30, 2020**.

IT IS FURTHER ORDERED that by no later than **November 30, 2020**, Plaintiff shall notify the Clerk in writing of his current address or show cause why this action should not be dismissed.

IT IS FINALLY ORDERED that the Clerk shall mail to Plaintiff a copy of this Order and two (2) copies of an Application to Proceed in District Court Without Prepaying Fees or Costs with instructions.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', is written over a horizontal line.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE